

REMARKS

Claims 11-17, 29, 30, 32, 33, 35, 36, 38, 39, 41, 42, 44, 45, 47, 48, 50, 51, 53, 54, 66, 67 and 70-81 are pending with claims 11, 17 and 70-72 being independent. Claim 72 has been amended for clarity. The amendment, which finds support in the application at Fig. 5D, is not believed to raise new issues and, accordingly, is believed to be proper despite the final rejection.

The claims have been rejected under section 101 as being directed to non-statutory subject matter. Applicant requests reconsideration and withdrawal of this rejection because the claims are clearly directed to statutory subject matter. In particular, each of independent claims 11 and 17 recites a communications system that includes a storing means, a reading means, a collating means, a controlling means, and a sending means, all of which are structural elements. While the claims recite means for outputting and sending an authentication end signal, this does not mean that the claims attempt to patent a carrier wave as suggested by the rejection. Accordingly, for at least these reasons, the rejection of claims 11 and 17, and their dependent claims, should be withdrawn.

Similarly, each of independent claims 70-72, rather than reciting a carrier wave, recites a method of distinguishing a user. Contrary to the Examiner's assertions, each of these claims recites a series of steps and, therefore, is directed to a statutory process. Accordingly, for at least these reasons, the rejection of claims 70-72, and their dependent claims, should be withdrawn.

With respect to claims 10-16, 29, 30, 32, 33, 35, 36, 38, 39, 41, 42, 44, 45, 47, 48, 50, 51, 53, 54, 66, 67 and 73-81, the rejection asserts that these claims recite computing instructions and, therefore, are non-statutory. Initially, applicant notes that claims 10-16 have been cancelled. As to claims 29, 30, 32, 33, 35, 36, 38, 39, 41, 42, 44, 45, 47, 48, 50, 51, 53, 54, 66, 67 and 73-81, these claims all depend from one of claims 11, 17 and 70-72, which, as discussed above, are directed to statutory subject matter. Moreover, none of these claims appears to recite computing instructions. Accordingly, for at least these reasons, the rejection should be withdrawn.

Claims 11-17, 29, 30, 33, 35, 36, 44, 45, 50, 51, 53, 54, 66, 67 and 70-81 have been rejected as being unpatentable over Uchida in view of Fukuzumi. With respect to claims 11 and 17, and their dependent claims, applicant requests reconsideration and withdrawal of this

rejection because neither Uchida, Fukuzumi, nor any proper combination of the two describes or suggests sending a password as data to a mating party (or a manager) after the authentication end signal is sent to the mating party (or the manager), and transmitting a re-write approval signal having information representing approval of re-write of the reference living body information from the mating party (or the manager) when the password is authenticated as correct on the mating party (or the manager), as recited in claim 11 (or claim 17).

In the "Response to Arguments" section of the final rejection, the Examiner asserts that Uchida shows the sending of the password through the discussion, at page 27, line 21 to page 28, line 12, of sending the encrypted password from the portable terminal 1 to the PC. Thus, according to this argument, the PC would be the mating party (or the manager).

The Examiner then asserts that Uchida shows the transmitting of a re-write approval signal at page 22, lines 23-24 (this is not understood, as that passage merely notes that the fingerprint feature assures stable and correct check results); page 20, lines 13-17 (noting merely that fingerprint feature information and user inherent information are stored in pairs) and page 4, line 27 to page 5, line 2 (noting that the encrypted authentication message is sent from the authentication terminal to the authentication executing device — this is just a variation of the description of sending the encrypted password from the portable terminal 1 to the PC at page 27, line 21 to page 28, line 12). Uchida, in these passages or elsewhere, simply does not describe or suggest the transmitting of a re-write approval signal from the mating party (or manager).

Accordingly, for at least these reasons, the rejection of claims 11 and 17, and their dependent claims, should be withdrawn.

With respect to claims 70 and 71, applicant requests reconsideration and withdrawal of this rejection because, as discussed above, neither Uchida, Fukuzumi, nor any proper combination of the two describes or suggests transmitting a re-write approval signal having information representing approval of re-write of reference living body information from the mating party (or the manager) to the user when the password is authenticated as correct on the mating party (or the manager), as recited in claims 70 (reciting a mating party) and 71 (reciting a manager).

With respect to claim 72, applicant requests reconsideration and withdrawal of this rejection because neither Uchida, Fukuzumi, nor any proper combination of the two describes or

suggests sending the authentication end signal to both the manager and the mating party, as recited in claim 72. While the rejection indicates that Uchida shows such sending at page 11, lines 8-10, and that Fukuzumi shows it at col. 6, lines 43-46, the cited passage of Uchida merely describes means for sending a communication message to an authentication executing device, and the cited passage of Fukuzumi merely describes transmission of data about a fingerprint to a bioelectric signal identification section. Neither the communication message nor the fingerprint data constitutes an authentication end signal configured such that communication between a user and a mating party is started directly upon receipt of the signal, as recited in claim 72.

Accordingly, for at least these reasons, the rejection of claims 70-72, and their dependent claims, should be withdrawn.

Claims 38, 39, 41, 42 and 47 have been rejected as being unpatentable over Uchida in view of Fukuzumi and Li. Applicant requests reconsideration and withdrawal of this rejection because Li does not remedy the failure of Uchida and Fukuzumi to describe or suggest the subject matter of the independent claims.


Applicant submits that all claims are in condition for allowance.

The fee in the amount of \$180 for the information disclosure statement is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: _____

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